DETAILED ACTION

1. This action is in response to the amendment filed on 08/10/2009.

2. Claims 4 and 13-43 have been canceled.

3. Claim 45 has been amended.

4. Claims 1-3, 5-12 and 44-45 are pending for consideration.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3, 5-12 and 44-45 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 06/09/2009 is being considered by the examiner.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-3, 5-12 and 44-45 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385.

The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter by imposing meaningful limits or significant steps properly tied to a particular machine, and therefore do not qualify as a statutory process. The recited process claim(s) including steps which are broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-3, 5-12 and 44-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Regarding claims 1 and 44-45, the limitation "a container including the selected metadata fragment data and the metadata digest information with data format information indicating a type of the selected metadata fragment data" is not clear whether the data format information and the digest information are bundled together in the body of the packet or the body of the header. According to Applicant's specification, the data format information is resided in the header (see paragraph 0047). Appropriate correction is required.

12. The dependent claims are depended on the rejected base claim, and are rejected for the same rationales.

Double Patenting

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claims are 1-3, 5-12 and 44-45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-26 and 29 of copending Application No. 11/980642. Although the conflicting claims are not identical, they are not patentably distinct from each other because Claim(s) 17-26 and 29 of Application No. 11/980642 contain(s) every element of claim(s) 1-3, 5-12 and 44-45 of the instant application and thus anticipate the claim(s) of the instant application. Claim(s) of the instant application therefore is/are not patently distinct from the earlier patent claim(s) and as such is/are unpatentable over obvious-type double patenting. A later patent/application claim is not patentably distinct from an

earlier claim if the later claim is anticipated by the earlier claim (see Claim Comparison Table Below).

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness type double patenting where a patent application claim to a genus is anticipated by a 35 patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Instant Application 10/662812	Copending Application 11/980642
Claim1: A method of **managing metadata in a metadata transmission server**, comprising: generating a plurality of metadata fragment data by **partitioning metadata to be transmitted based upon a predetermined semantic unit**; selecting a **predetermined metadata fragment data** from among the plurality of metadata fragment data; generating metadata-related information using the selected metadata fragment data; and **transmitting a container including the selected**	Claim 17: A **metadata transmission server managing metadata** security of a multimedia system, comprising: a programmed computer processor controlling the server according to a process of: generating a plurality of metadata fragment data by **partitioning metadata to be transmitted based upon a predetermined semantic unit**, selecting a **predetermined metadata fragment data** from among the plurality of metadata fragment data, generating metadata-

metadata fragment data and the metadata-related information with data format information indicating a type of the selected metadata fragment data.	related information using the selected metadata fragment data, and **transmitting the selected metadata fragment data and the metadata-related information with data format information indicating a type of the selected metadata fragment data.**

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 1-2, 5, 11 and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett (US 5768526) (hereinafter Fawcett) in view of king (US 20020188614) (hereinafter King).

17. Regarding claim 1, discloses generating a plurality of metadata fragment data by partitioning metadata to be transmitted based upon a predetermined semantic unit (); selecting a predetermined metadata fragment data from among the plurality of metadata fragment data (Fawcett: column 4 lines 26-32); generating metadata-related information using the selected metadata fragment data (Fawcett: column 4 lines 33-35); and transmitting the selected metadata fragment data and the metadata-related information (Fawcett: see figure 3; and column 4 lines 5-11). Fawcett does not disclose data format information indicating a type of the selected metadata fragment data resided in the

container. However, King discloses data format information indicating a type of the selected metadata fragment data resided in the container (King: see page 9, table 3, item Hash Type: contains a number that defines the hashing Type algorithm used for the file; paragraph 0102; and paragraph 0127). Therefore, It would have been obvious to a person skilled art at the time the invention was made to have included in Fawcett the feature of King as discussed above because there is a need exists for a database technology that allows any character or data type to be stored while still achieving optimal memory usage (King: paragraph 0018).

18. Regarding claim 2, Fawcett as modified discloses wherein the selected metadata fragment data, the metadata-related information, and the data format information of the selected metadata fragment data are transmitted in a metadata container (King: see page 9, table 3, item Hash Type: contains a number that defines the hashing Type algorithm used for the file; paragraph 0102; and paragraph 0127). The same motivation was utilized in claim 1 applied equally well to claim 2.

19. Regarding claim 5, Fawcett as modified discloses wherein a metadata authentication level flag specifying a metadata authentication level is further contained in the metadata container (King: paragraph 0129). The same motivation was utilized in claim 1 applied equally well to claim 5.

20. Regarding claim 11, Fawcett as modified discloses wherein the plurality of metadata fragment data and corresponding metadata-related information are inserted into the metadata container, and each metadata fragment data and the corresponding metadata-related information are connected to each other by pointer information (King:

paragraph 0070). The same motivation was utilized in claim 1 applied equally well to claim 11.

21. Regarding claims 44-45, these claims have limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

22. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett in view of king, and further in view of Erickson et al. (Us 20030081791) (hereinafter Erickson).

23. Regarding claim 3, Fawcett in view of King does not disclose wherein the data format information indicates whether the selected metadata fragment data has a binary XML format or a text XML format, and each container includes metadata fragment data having only one of a binary XML format and a text XML format. However, Erickson discloses wherein the data format information indicates whether the selected metadata fragment data has a binary XML format or a text XML format, and each container includes metadata fragment data having only one of a binary XML format and a text XML format (Erickson: paragraph 0029: whether the "content type" of the message is "text/xml"). Therefore, It would have been obvious to a person skilled art at the time the invention was made to have included in Fawcett in view king the feature of Erickson as discussed above because to provide a message structure and a manner for handling such a message structure which enables each individual interaction between, for example, a consumer of web services and the provider thereof to stand alone (Erickson: paragraph 0007).

24. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett in view of king, and further in view of Davis et al. (US 20020001395) (hereinafter Davis).

25. Regarding claim 6, Fawcett in view of King does not disclose wherein the metadata-related information is metadata digest information obtained by substituting the selected metadata fragment data into a unidirectional function. However, Davis discloses wherein the metadata-related information is metadata digest information obtained by substituting the selected metadata fragment data into a unidirectional function (Davis: paragraphs 0184 and 0192). Therefore, It would have been obvious to a person skilled art at the time the invention was made to have included in Fawcett in view of King the feature of Davis as discussed above to solve the problem with maintaining the association between various types of processing on the media signal or its metadata (Davis: paragraph 0003).

26. Regarding claim 7, Fawcett as modified discloses wherein the unidirectional function is a hash function (Davis: paragraph 0205). The same motivation was utilized in claim 6 applied equally well to claim 7.

27. Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett in view of king, and further in view of Buch et al. (Us 20030217165) (hereinafter Buch)

28. Regarding claim 8, Fawcett in view of King does not disclose generating metadata authentication signature information using the metadata-related information and a first encryption key; and inserting the metadata authentication signature

information in the metadata container containing the selected metadata fragment data. However, Buch discloses generating metadata authentication signature information using the metadata-related information and a first encryption key (Buch: paragraphs 0027-0028); and inserting the metadata authentication signature information in the metadata container containing the selected metadata fragment data (Buch: paragraphs 0027-0028). Therefore, It would have been obvious to a person skilled art at the time the invention was made to have included in Fawcett in view of King the feature of Buch as discussed above because the digital signature and the sender's certificate, which may be obtained from another source or retrieved from the SIP message if it includes one, to authenticate the sender and at the same time confirms the integrity of the message. (Buch: paragraph 0005).

29. Regarding claim 9, Fawcett as modified discloses wherein the metadata authentication signature information is obtained by substituting the metadata-related information and the first encryption key into a unidirectional function (Fawcett: paragraph 0027). The same motivation was utilized in claim 8 applied equally well to claim 9.

30. Regarding claim 10, Fawcett as modified discloses encrypting the first encryption key using a second encryption key; and inserting the encrypted first encryption key into the metadata container containing the selected metadata fragment data (Fawcett: paragraph 0027: encrypt the session key with a public key of the intended recipient). The same motivation was utilized in claim 8 applied equally well to claim 10.

31. Regarding claim 12, Fawcett as modified discloses wherein the plurality of metadata fragment data and corresponding metadata-related information and metadata authentication signature information are inserted into the metadata container, and each metadata fragment data and the corresponding metadata-related information and metadata authentication signature information are connected to one another by pointer (King: paragraph 0070).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRANG DOAN whose telephone number is (571)272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trang Doan/
Examiner, Art Unit 2431
/Syed Zia/
Primary Examiner, Art Unit 2431